

## **§ 665.666**

### **§ 665.666 Closures.**

(a) If the Regional Administrator determines that the harvest quota for any coral bed will be reached prior to the end of the fishing year, NMFS shall publish a notice to that effect in the FEDERAL REGISTER and shall use other means to notify permit holders. Any such notice must indicate the reason for the closure, the bed being closed, and the effective date of the closure.

(b) A closure is also effective for a permit holder upon the permit holder's actual harvest of the applicable quota.

### **§ 665.667 Quotas.**

(a) *General.* The quotas limiting the amount of precious coral that may be taken in any precious coral permit area during the fishing year are listed in § 665.667(d). Only live coral is counted toward the quota. The accounting period for all quotas begins July 1, 1983.

(b) *Conditional bed closure.* A conditional bed will be closed to all non-selective coral harvesting after the quota for one species of coral has been taken.

(c) *Reserves and reserve release.* The quotas for exploratory area, X-P-PI, will be held in reserve for harvest by vessels of the United States in the following manner: (1) At the start of the fishing year, the reserve for the PRIA exploratory area will equal the quota minus the estimated domestic annual harvest for that year. (2) As soon as practicable after December 31 each year, the Regional Administrator will determine the amount harvested by vessels of the United States between July 1 and December 31 of the year that just ended on December 31. (3) NMFS will release to TALFF an amount of precious coral for each exploratory area equal to the quota minus two times the amount harvested by vessels of the United States in that July 1-December 31 period. (4) NMFS will publish in the FEDERAL REGISTER a notification of the Regional Administrator's determination and a summary of the information on which it is based as soon as practicable after the determination is made.

(d) PRIA exploratory permit area, X-P-PI, has an annual quota of 1,000 kg for all precious coral MUS combined with the exception of black corals.

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### **§ 665.668 Seasons.**

The fishing year for precious coral begins on July 1 and ends on June 30 the following year.

### **§ 665.669 Gold coral harvest moratorium.**

Fishing for, taking, or retaining any gold coral in any precious coral permit area is prohibited through June 30, 2013.

## **Subpart F—Western Pacific Pelagic Fisheries**

### **§ 665.798 Management area.**

The western Pacific Pelagic fishery management area includes all areas of fishing operations in the EEZ or on the high seas for any vessels of the United States or persons that:

(a) Fish for, possess, or transship western Pacific pelagic fishery MUS within the EEZ waters around American Samoa, CNMI, Guam, Hawaii, or PRIA; or

(b) Land western Pacific pelagic fishery MUS in American Samoa, CNMI, Guam, Hawaii, or PRIA.

### **§ 665.799 Area restrictions.**

(a) Fishing is prohibited in all no-take MPAs designated in this section.

(b) No-take MPAs. The following U.S. EEZ waters are no-take MPAs:

(1) Landward of the 50-fathom (fm) (91.5-m) curve at Jarvis, Howland, and Baker Islands, and Kingman Reef; as depicted on National Ocean Survey Chart Numbers 83116 and 83153;

(2) Landward of the 50-fm (91.5-m) curve around Rose Atoll, as depicted on National Ocean Survey Chart Number 83484.

### **§ 665.800 Definitions.**

As used in §§ 665.798 through 665.818:

*American Samoa longline limited access permit* means the permit required by § 665.801 to use a vessel shoreward of the outer boundary of the EEZ around American Samoa to fish for western Pacific pelagic MUS using longline gear or to land or transship western Pacific pelagic MUS that were caught in the EEZ around American Samoa using longline gear.

*American Samoa pelagics mailing list* means the list maintained by PIRO of names and mailing addresses of parties interested in receiving notices of availability for American Samoa longline limited access permits.

*Basket-style longline gear* means a type of longline gear that is divided into units called "baskets" each consisting of a segment of main line to which 10 or more branch lines with hooks are spliced. The mainline and all branch lines are made of multiple braided strands of cotton, nylon, or other synthetic fibers impregnated with tar or other heavy coatings that cause the lines to sink rapidly in seawater.

*Branch line (or dropper line)* means a line with a hook that is attached to the mainline.

*Deep-set or Deep-setting* means the deployment of longline gear in a manner consistent with all the following criteria: All float lines are at least 20 meters in length; a minimum of 15 branch lines are attached between any two floats (except basket-style longline gear which may have as few as 10 branch lines between any two floats); and no light sticks are used. As used in this definition, "float line" means a line used to suspend the main longline beneath a float, and "light stick" means any type of light emitting device, including any fluorescent "glow bead," chemical, or electrically-powered light that is affixed underwater to the longline gear.

*Fish dealer* means any person who:

(1) Obtains, with the intention to resell, western Pacific pelagic MUS, or portions thereof, that were harvested or received by a vessel that holds a permit or is otherwise regulated under bottomfish fisheries in this subpart; or

(2) Provides recordkeeping, purchase, or sales assistance in obtaining or selling such MUS (such as the services provided by a wholesale auction facility).

*Float line* means a line attached to a mainline used to buoy, or suspend, the mainline in the water column.

*Hawaii longline limited access permit* means the permit required by § 665.801 to use a vessel to fish for western Pacific pelagic MUS with longline gear in the EEZ around Hawaii or to land or transship longline-caught western Pa-

cific pelagic MUS shoreward of the outer boundary of the EEZ around Hawaii.

*Longline fishing prohibited area* means the portions of the EEZ in which longline fishing is prohibited as specified in § 665.806.

*Longline fishing vessel* means a vessel that has longline gear on board the vessel.

*Longline gear* means a type of fishing gear consisting of a main line that exceeds 1 nm in length, is suspended horizontally in the water column either anchored, floating, or attached to a vessel, and from which branch or dropper lines with hooks are attached; except that, within the protected species zone as defined in § 665.806, longline gear means a type of fishing gear consisting of a main line of any length that is suspended horizontally in the water column either anchored, floating, or attached to a vessel, and from which branch or dropper lines with hooks are attached.

*Pelagic handline fishing* means fishing for western Pacific pelagic MUS from a stationary or drifting vessel using hook and line gear other than longline gear.

*Pelagic troll fishing (trolling)* means fishing for western Pacific pelagic MUS from a moving vessel using hook and line gear.

*PRIA pelagic troll and handline fishing permit* means the permit required by § 665.801 to use a vessel shoreward of the outer boundary of the EEZ around the PRIA to fish for western Pacific pelagic MUS using pelagic handline or troll fishing methods.

*Receiving vessel permit* means a permit required by § 665.801(c) for a receiving vessel to transship or land western Pacific pelagic MUS taken by other vessels using longline gear.

*Shallow-set or shallow-setting* means the deployment of, or deploying, respectively, longline gear in a manner that does not meet the definition of deep-set or deep-setting as defined in this section.

*Squid jig fishing* means fishing for squid that are western Pacific pelagic MUS using a hook or hooks attached to a line that is raised and lowered in the water column by manual or mechanical means.

## § 665.801

*Western Pacific general longline permit* means the permit authorized under § 665.801 to use a vessel shoreward of the outer boundary of the EEZ around Guam, CNMI, Johnston or Palmyra Atolls, Kingman Reef, or Wake, Jarvis, Baker or Howland Islands to fish for western Pacific pelagic MUS using longline gear or to land or to transship western Pacific pelagic MUS that were caught using longline gear.

*Western Pacific pelagic management unit species* means the following species:

English common name	Scientific name
<b>Tunas:</b>	
Albacore .....	<i>Thunnus alalunga</i> .
bigeye tuna .....	<i>Thunnus obesus</i> .
Pacific bluefin tuna .....	<i>Thunnus orientalis</i>
yellowfin tuna .....	<i>Thunnus albacares</i> .
skipjack tuna .....	<i>Katsuwonus pelamis</i> .
Kawakawa .....	<i>Euthynnus affinis</i> .
other tuna relatives .....	<i>Auxis</i> spp., <i>Scomber</i> spp., <i>Allothunnus</i> spp.
<b>Billfishes:</b>	
Black marlin .....	<i>Istiompax indica</i>
Striped marlin .....	<i>Kajikia audax</i>
Pacific blue marlin .....	<i>Makaira nigricans</i>
shortbill spearfish .....	<i>Tetrapturus angustirostris</i> .
Swordfish .....	<i>Xiphias gladius</i> .
Sailfish .....	<i>Istiophorus platypterus</i> .
<b>Sharks:</b>	
pelagic thresher shark .....	<i>Alopias pelagicus</i> .
bigeye thresher shark .....	<i>Alopias superciliosus</i> .
common thresher shark .....	<i>Alopias vulpinus</i> .
silky shark .....	<i>Carcharhinus falciformis</i> .
oceanic whitetip shark .....	<i>Carcharhinus longimanus</i> .
blue shark .....	<i>Prionace glauca</i> .
shortfin mako shark .....	<i>Isurus oxyrinchus</i> .
longfin mako shark .....	<i>Isurus paucus</i> .
salmon shark .....	<i>Lamna ditropis</i> .
<b>Other pelagic fishes:</b>	
mahi-mahi (dolphinfish) .....	<i>Coryphaena</i> spp.
Wahoo .....	<i>Acanthocybium solandri</i> .
Moonfish .....	<i>Lampris</i> spp.
Oilfish .....	Gempylidae.
Pomfret .....	Bramidae.
<b>Squid:</b>	
diamondback squid .....	<i>Thysanoteuthis rhombus</i> .
neon flying squid .....	<i>Ommastrephes bartramii</i> .
purpleback flying squid .....	<i>Sthenoteuthis oualaniensis</i> .

[75 FR 2205, Jan. 14, 2010, as amended at 76 FR 52889, Aug. 24, 2011; 77 FR 43722, July 26, 2012]

### § 665.801 Permits.

(a) A vessel of the United States must be registered for use with a valid permit under the High Seas Fishing Compliance Act if that vessel is used to fish on the high seas, as required under § 300.15 of this title.

(b) A vessel of the United States must be registered for use under a valid

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Hawaii longline limited access permit if that vessel is used:

(1) To fish for western Pacific pelagic MUS using longline gear in the EEZ around the Hawaiian Archipelago; or

(2) To land or transship, shoreward of the outer boundary of the EEZ around the Hawaiian Archipelago, western Pacific pelagic MUS that were harvested using longline gear.

(c) A vessel of the United States must be registered for use under a valid American Samoa longline limited access permit, in accordance with § 665.816, if that vessel is used to:

(1) Fish for western Pacific pelagic MUS using longline gear in the EEZ around American Samoa;

(2) Land shoreward of the outer boundary of the EEZ around American Samoa western Pacific pelagic MUS that were harvested using longline gear in the EEZ around American Samoa; or

(3) Transship shoreward of the outer boundary of the EEZ around American Samoa western Pacific pelagic MUS that were harvested using longline gear in the EEZ around American Samoa or on the high seas.

(d) A vessel of the United States must be registered for use under a valid Western Pacific general longline permit, American Samoa longline limited access permit, or Hawaii longline limited access permit if that vessel is used to:

(1) Fish for western Pacific pelagic MUS using longline gear in the EEZ around Guam, CNMI, or PRIA (with the exception of Midway Atoll); or

(2) Land or transship shoreward of the outer boundary of the EEZ around Guam, CNMI, or PRIA (with the exception of Midway Atoll), western Pacific pelagic MUS that were harvested using longline gear.

(e) A receiving vessel of the United States must be registered for use with a valid receiving vessel permit if that vessel is used to land or transship, shoreward of the outer boundary of the EEZ around American Samoa, Hawaii, Guam, CNMI, or PRIA, western Pacific pelagic MUS that were harvested using longline gear.

(f) A vessel of the United States must be registered for use with a valid PRIA pelagic troll and handline fishing permit if that vessel is used to fish for